

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	4:05CR3087
v.)	
)	
ROBERT A. SIMONES,)	
)	ORDER
Defendant.)	
_____)	

Defendant's counsel has submitted additional information in relation to the pending amended motion to withdraw. That information amply demonstrates that the motion should be granted.

IT THEREFORE HEREBY IS ORDERED,

Paragraphs 2-4 of the order of August 25, 2005, filing 14, are reinstated with the following amendments:

- a. The defendant is given twenty days from today's date to obtain substitute counsel or request appointment of counsel.
- b. The time between August 25, 2005 and September 30, 2005 shall be excluded from calculation of time under the Speedy Trial Act, 18 U.S.C. 3161(h), for the reason that the defendant's interest in having counsel outweighs the interests of the public and the defendant in a speedy trial and therefore, the failure to exclude this time would result in a miscarriage of justice.

DATED this 6th day of September, 2005.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge